BEST AVAILABLE COPY

Response and amendment 10/706,708 Amdt. Dated May 10, 2005

REMARKS

The parent application having serial number 09/545,486 was restricted into two groups consisting of claims 1-11, 15 and 12-14, 16-26. Applicant elected group I having claims 1-11 and 15 for prosecution. The parent application was allowed on 8/11/2003. The present divisional is directed to the non-elected claims of the parent application. Claims 12-14 and 16-26 were the claims of group II according to the restriction requirement. Currently, please cancel claims 31-33 and 43-48 without prejudice to their presentation in other applications. In the Office Action of January 10, 2005, claims 27-30 and 34-42 were allowed and claims 31-33 and 43-48 were rejected. Although Applicant does not agree with the arguments proposed by the Office, the presently rejected claims have been canceled, in order to facilitate allowance. Accordingly, all rejections and/or objections have been rendered moot. Applicants respectfully submit the application to be in condition for allowance. Reconsideration of the present application is earnestly solicited.

IX. Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration of the present application. The Examiner is invited to contact Applicants' undersigned representative at (800) 531-5088 x124 if there are any questions regarding Applicants' claimed invention.

Respectfully submitted,

Ken Tarbet, Ph.D.

Registration No. 43,181

Date: May 10, 2005

AquaPhotonics Research

Telephone: (800) 531-5088 x124

Facsimile: (760) 438-3394

Page 6 of 6